

## CCRB INVESTIGATIVE RECOMMENDATION

|   |   |                           |   |   |                                 |
|---|---|---------------------------|---|---|---------------------------------|
| Investigator:<br>Daniel DiRocco                   | Team:<br>Team # 3   | CCRB Case #:<br>201106202 | <input checked="" type="checkbox"/> Force             | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|   |   |                           | <input type="checkbox"/> Abuse                        | <input type="checkbox"/> O.L.                 | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 05/10/2011 8:30 AM   | Location of Incident:<br>near § 87(2)(b) Street and § 87(2)(b) Street | Precinct:<br>84           | 18 Mo. SOL<br>11/10/2012                              | EO SOL<br>11/10/2012                          |                                 |
| Date/Time CV Reported<br>Tue, 05/10/2011 10:27 AM | CV Reported At:<br>IAB  | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Fri, 05/13/2011 5:28 PM |   |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)     | Shield | TaxID  | Command |
|------------------------|--------|--------|---------|
| 1. POM Miguel Figueroa | 11696  | 939822 | 084 PCT |

| Officer(s)            | Allegation  | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A.POM Miguel Figueroa | Discourtesy: Officer Miguel Figueroa spoke obscenely to § 87(2)(b)    |                             |
| B.POM Miguel Figueroa | Force: Officer Miguel Figueroa used physical force against § 87(2)(b) |                             |

### Case Summary

§ 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) via telephone on May 10, 2011. IAB, in turn, assigned log number 11-21241 to this case and forwarded it to the CCRB on May 13, 2011. § 87(2)(b) provided the CCRB with a telephone statement on May 17, 2011 which is summarized below.

At approximately 8:30 AM on May 10, 2011, § 87(2)(b) was driving his children to school near § 87(2)(b) Street and § 87(2)(b) Street in Brooklyn. While driving, § 87(2)(b) observed PO1, an unidentified uniformed officer, arresting an unidentified § 87(2)(b). From his vehicle, § 87(2)(b) questioned the arrest. PO1 told § 87(2)(b) that he could exit his vehicle and that he would then explain the situation to § 87(2)(b).

As § 87(2)(b) approached PO1, a patrol car pulled up holding Officer Miguel Figueroa of the 84<sup>th</sup> Precinct, whom § 87(2)(b) identified by name, and his partner, PO2, an unidentified uniformed officer. Both Officer Figueroa and PO2 exited the patrol car and approached § 87(2)(b) who was standing near PO1. Officer Figueroa asked § 87(2)(b) what he was doing. § 87(2)(b) explained that PO1 had granted him permission to exit his vehicle, which PO1 verified to Officer Figueroa. Officer Figueroa then allegedly placed one hand on his pepper spray and one hand on his baton unlatching the strap to both; he did not remove either item. Anticipating Officer Figueroa's possible resort to force, § 87(2)(b) told Officer Figueroa that he did not pose a threat. Officer Figueroa instantly became angry and allegedly told § 87(2)(b) to "get the fuck out of here" (**Allegation A**) and pushed him forcefully placing both of his hands on § 87(2)(b) ribs (**Allegation B**).

As a result of this incident, Officer Figueroa issued § 87(2)(b) a summons § 87(2)(b). § 87(2)(b) witnessed Officer Figueroa write this summons, which was how § 87(2)(b) was able to provide Officer Figueroa's name. The undersigned offered mediation to § 87(2)(b); however, § 87(2)(b) rejected this option § 87(2)(b).

While providing his telephone statement on May 17, 2011, § 87(2)(b) confirmed his contact information as registered in the CCRB's Complaint Tracking System. The undersigned spoke with § 87(2)(b) again on May 18, 2011 at which point § 87(2)(b) scheduled an in-person CCRB statement for May 26, 2011. § 87(2)(b) failed to appear for this appointment. The undersigned sent a missed appointment letter on May 26, 2011 and called § 87(2)(b) on May 27, 2011 who rescheduled his appointment for June 2, 2011. § 87(2)(b) once again failed to appear for his appointment without providing any form of notice to account for his absence. A search of the New § 87(2)(b) City Department of Correction Inmate Service Lookup website performed on June 8, 2011 revealed that § 87(2)(b) is not currently incarcerated nor was he incarcerated while scheduled to appear at the CCRB. § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_ :  
Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Supervisor: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
Title/Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Reviewer: \_\_\_\_\_  
                    Title/Signature                      Print                      Date